

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL ACTION NO.: 5:22-cv-00068-BO

YOLANDA IRVING, individually and as the)
natural parent and guardian of J. I., JUWAN)
HARRINGTON, CYDNEEA HARRINGTON,)
KENYA WALTON, individually and as the)
natural parent and guardian of R.W., ZIYEL)
WHITLEY, DYAMOND WHITLEY,)
KAMISHA WHITLEY, NANETTA GRANT as)
the natural parent and guardian of Z. G., and)
EMANCIPATE NC., INC.)

Plaintiffs,

vs.

THE CITY OF RALEIGH, Officer OMAR I.)
ABDULLAH, Sergeant WILLIAM ROLFE,)
Officer RISHAR PIERRE MONROE, Officer)
JULIEN DAVID RATTELADE, and Officer)
MEGHAN CAROLINE GAY, JOHN and JANE)
DOE Officers 1-10, in their individual capacities,)
Chief of Police ESTELLA PATTERSON and)
City Manager MARCHELL ADAMS-DAVID,)
in their official capacities.)

Defendants.

**DEFENDANTS R.P. MONROE, J.D.
RATTELADE, AND M.C. GAY’S
MOTION TO DISMISS**

Defendants R.P. Monroe, J.D. Rattelade, and M.C. Gay (“Defendants”), in their individual capacities only, respectfully move this court to dismiss corporate plaintiff, Emancipate NC, Inc. (“Emancipate”), from this action pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. Emancipate lacks standing to bring the claims asserted in the Amended Complaint. In support of this motion, Defendants state:

1. The factual allegations in the Amended Complaint establish that Emancipate, as a corporate organization, has not suffered an injury in fact that is fairly traceable to Defendants’ alleged misconduct or that is likely redressable by a favorable decision.
2. Rather, the factual allegations show that Emancipate elected to engage in a variety of activities to pursue its broad mission to end mass incarceration and racism in the legal system independent of circumstances at issue in this case.

3. Emancipate's interest in this litigation is no more than an attempt to vindicate its preferences through the judicial system, which falls short of the injury in fact required to confer standing under Article III.

In support of this motion, Defendants rely on the pleadings filed to date and the authority and arguments set forth in a Memorandum of Law filed by the City of Raleigh (DE 60) which are adopted by these Defendants by reference.

WHEREFORE, these Defendants respectfully request that the Court:

1. Enter an order dismissing Emancipate NC, Inc. as a Plaintiff;
2. Taxing costs and fees to Plaintiff Emancipate as allowed by law and in the discretion of this court; and
3. Grant any other further relief as it deems just and proper.

Respectfully submitted,

This the 30th day of June, 2022.

By: /s/ SAMUEL G. THOMPSON, JR., ESQ.
RODNEY E. PETTEY
N.C. State Bar No.: 17715
rpetty@ymwlaw.com
SAMUEL G. THOMPSON, JR.
N.C. State Bar No.: 32960
bthompson@ymwlaw.com
Yates, McLamb & Weyher, LLP
Post Office Box 2889
Raleigh, North Carolina 27602
Telephone: (919) 835-0900
*Counsel for R.P. Monroe, J.D. Rattelade,
and M.C. Gay in their individual capacities*

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JULIEN DAVID RATTELADE, and Officer)
MEGHAN CAROLINA GAY, and JOHN and)
JANE DOE Officers 1-10, in their individual)
capacities,)

Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2022, I electronically filed the foregoing **DEFENDANTS R.P. MONROE, J.D. RATTELADE, AND M.C. GAY'S MOTION TO DISMISS** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Abraham Rubert-Schewel
Tin Fulton Walker & Owen, PLLC
119 E. Main St.
Durham, NC 27701
Email: schewel@tinfulton.com
Counsel for Plaintiffs

Emily D. Gladden
Tin Fulton Walker & Owen, PLLC
204 N. Person St.
Raleigh, NC 27601
Email: Egladden@tinfulton.com
Counsel for Plaintiffs

Michael L. Littlejohn, Jr.
Littlejohn Law PLLC
P.O. Box 16661
Charlotte, NC 28297
Email: mll@littlejohn-law.com
Counsel for Plaintiffs

Ian A. Mance
Emancipate NC
P.O. Box 309
Durham, NC 27702
Email: ian@emancipatenc.com
Counsel for Plaintiffs

Elizabeth G. Simpson
Emancipate NC
P.O. Box 309
Durham, NC 27702
Email: elizabeth@emancipatenc.com
Counsel for Plaintiffs

Dorothy Kibler
Deputy City Attorney
P.O. Box 590
Raleigh, NC 27602
Email: Dorothy.Kibler@raleighnc.gov
Counsel for Defendant The City of Raleigh

Jason R. Benton
Parker Poe Adams & Bernstein, LLP
620 South Tryon Street, Suite 800
Charlotte, NC 28202
Email: jasonbenton@parkerpoe.com
Counsel for Defendant Omar Abdullah

Norwood P. Blanchard, III
Crossley McIntosh Collier Hanley & Edes, PLLC
5002 Randall Parkway
Wilmington, NC 28403
Email: norwood@cmclawfirm.com
Counsel for Defendant William Rolfe

I hereby certify that I have mailed the document to the following non CM/ECF participants:

Respectfully submitted,

By: /s/ SAMUEL G. THOMPSON, JR., ESQ.
RODNEY E. PETTEY
N.C. State Bar No.: 17715
rpetty@ymwlaw.com
SAMUEL G. THOMPSON, JR.
N.C. State Bar No.: 32960
bthompson@ymwlaw.com
Yates, McLamb & Weyher, LLP
Post Office Box 2889
Raleigh, North Carolina 27602
Telephone: (919) 835-0900
Facsimile: (919) 835-0910
*Counsel for R.P. Monroe, J.D. Rattelade,
and M.C. Gay in their individual capacities*